



**LAWTON CITY COUNCIL
REGULAR MEETING**

**NOVEMBER 10, 2020
2:00 P.M.**

**LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM**

NOTICE AND AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 10, 2020 - 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC. WEEK

PROCLAMATION HONORING MAJOR DAVID & MAJOR JOANNA ROBINSON AND THE SALVATION ARMY

PROCLAMATION FOR LIME OUT LAWTON IN SUPPORT OF HOMELESS YOUTH

REPORTS: MAYOR/CITY COUNCIL

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda please come forward at this time.

CONSIDER APPROVAL OF MINUTES OF THE LAWTON CITY COUNCIL SPECIAL MEETING OF OCTOBER 20, 2020 AND THE REGULAR MEETING OF OCTOBER 27, 2020.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

1. Consider approving the 2021 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 20-____ rescheduling the regularly scheduled meeting in December 2021. Exhibits: 2021 Notice of Meeting Schedule for Lawton City Council; Resolution No. 20-____.
2. Consider accepting the Lawton Public Library Renovation Project #2017-09 as constructed by Pever Building Company, LLC, and placing the Maintenance Bond into effect. Exhibits: Final Pay Estimate.
3. Consider authorizing staff to prepare and issue a Request for Proposal (RFP) for pavement condition assessment and data collection services. Exhibits: None.
4. Consider accepting a temporary easement from Deborah Kaye MacIntyre, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
5. Consider accepting a temporary easement from Pavel & Michelle Grepl, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.

Agenda – Lawton City Council Meeting
November 10, 2020 – Page 2

6. Consider awarding contract (CL21-010) Mobile Sludge Reduction to WBI Inc. of Kingwood, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheets.
7. Consider approving appointments to boards and commissions. Exhibits: None.

NEW BUSINESS ITEMS:

8. Receive bids for the sale of the City's \$4,590,000 General Obligation Bonds, Series 2020, and award the sale of the \$4,590,000 General Obligation Bonds, Series 2020, to the lowest bidder. Exhibits: Bid Tabulation Sheet to be distributed at Council Meeting.
9. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2020, in the sum of \$4,590,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2020; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2020; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 20-____.
10. Consider accepting a Grant from the Oklahoma Development Finance Authority for the Development Finance Authority Public-Private Partner Military Infrastructure Pool (Lawton/Fort Sill P3 Water Resiliency Project) Series 2020 Grant in support of the Lawton/Fort Sill Water Resiliency Project and authorize the Mayor and City Clerk to execute the Agreement between the City of Lawton and the Oklahoma Development Finance Authority. Exhibits: The Funding Agreement and ODOC Determination Letter of Award are on file in the Department of Public Utilities Office.
11. In accordance with §10-16-1604 Section A of the Lawton City Code, 2005, the City Manager is petitioning the council to consider authorizing the use of funds from the Emergency Reserve Fund for the purpose of managing the tree and limb cleanup operations from the October 27, 2020 Ice Storm. Exhibits: Elmer Thomas Park drop off site map.
12. Consider an ordinance amending Section 6-1-5-182 Chapter 6, Lawton City Code, 2015, by allowing for electrical security fencing to be permitted within the city limits; providing for severability; renumbering and establishing an effective date. Exhibits: Ordinance No. 20-____, Paragraph 22.108 of the IEC Standard and Figure 102 of the IEC Standard.
13. Consider an ordinance amending Utilities Section 22-2-1-217, Chapter 22, Lawton City Code 2015, by removing the requirement to obtain written approval from the Fire Chief prior to making a temporary connection to a fire hydrant; providing for severability and establishing an effective date. Exhibits: Ordinance No. 20-____.

STAFF REPORTS

ADJOURNMENT

ITEM NO. 1

MEETING DATE November 10, 2020

CITY COUNCIL AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving the 2021 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 20-130 rescheduling the regularly scheduled meeting in December 2021.

INITIATOR: Traci Hushbeck, City Clerk

STAFF INFORMATION SOURCE: Traci Hushbeck, City Clerk

BACKGROUND: The City Charter requires that the Council hold at least two regular meetings each month, and the Lawton City Code and the City Council Rules of Procedures establish those dates as the second and fourth Tuesdays of each month at 2:00 p.m. in the Council Chambers. Special meetings can be called as needed upon providing appropriate notice.

The attached Notice of Meeting schedule has been prepared to comply with these requirements. Due to the Christmas holiday, the Notice of Meeting Schedule shows December 2021 meeting dates as December 7th and 14th.

EXHIBITS: 2021 Notice of Meeting Schedule for Lawton City Council; Resolution No. 20-130.

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED COUNCIL ACTION: Consider approving the 2021 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 20-130.

ANNUAL MEETING NOTICE - 2021 NOTICE OF MEETING

LAWTON CITY COUNCIL
(Name of municipal public body)

DATE	TIME	PLACE OF MEETING
January 12, 2021	2:00 p.m.	Lawton City Hall 212 SW 9 th Street Council Chambers/Auditorium Lawton, OK 73501
January 26, 2021	“	“
February 9, 2021	“	“
February 23, 2021	“	“
March 9, 2021	“	“
March 23, 2021	“	“
April 13, 2021	“	“
April 27, 2021	“	“
May 11, 2021	“	“
May 25, 2021	“	“
June 8, 2021	“	“
June 22, 2021	“	“
July 13, 2021	“	“
July 27, 2021	“	“
August 10, 2021	“	“
August 24, 2021	“	“
September 14, 2021	“	“
September 28, 2021	“	“
October 12, 2021	“	“
October 26, 2021	“	“
November 9, 2021	“	“
November 23, 2021	“	“
December 7, 2021	“	“
December 14, 2021	“	“

To be completed by person filing notice:

Name: Stanley Booker
Title: Mayor
Address: 212 SW 9th Street
Phone: (580) 581-3301

Filed in the office of the municipal clerk at a.m./p.m. on

Signed: _____
Clerk/Deputy Clerk

RESOLUTION NO. 20-130

A RESOLUTION RESCHEDULING THE REGULARLY SCHEDULED COUNCIL MEETING IN DECEMBER 2021.

WHEREAS, Section 2-1-1-102A, Lawton City Code, 2015, provides that regular Council meetings of the City Council, of the City of Lawton, be held on the second and fourth Tuesdays of each month beginning at 2:00 p.m.; and further provides that the Council may, by resolution, reschedule any of its regularly scheduled meetings; and

WHEREAS, the City Council of the City of Lawton, Oklahoma, desires to reschedule its second meeting in December 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lawton, Oklahoma, to set December 7, 2021 as a regular meeting for the month of December and canceling the regular meeting of December 28, 2021.

ADOPTED and APPROVED by the Mayor and City Council of the City of Lawton this 10th day of November 2020.

Stanley Booker, Mayor

ATTEST:

Traci Hushbeck, City Clerk

Approved as to form and legality this 5th day of November 2020.



Timothy Wilson, Interim City Attorney

ITEM NO. 2
MTG. DATE: November 10, 2020

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider accepting the Lawton Public Library Renovation Project #2017-09 as constructed by Pever Building Company, LLC, and placing the Maintenance Bond into effect.

INITIATOR: Director of Engineering, Joseph Painter

STAFF INFORMATION SOURCE: Director of Engineering, Joseph Painter

BACKGROUND: On November 26, 2019, the City Council awarded a construction contract to Pever Building Company, LLC in the amount of \$464,086.00 for the renovation of the restrooms and related work at the Lawton Public Library. A notice to proceed was issued effective February 03, 2020. The contract time was specified as 180 calendar days.

This project had one change order (#1) to account for change in items such as HVAC duct and framing, floor leveling, restoring water supply, adding a ceiling grid wall, and others. The contract amount was increased by change order #1 in the amount of \$2,262.24. As a result, the final project cost is \$466,348.24.

A final inspection was held on July 29, 2020. A list of deficient items noted at the meeting was completed on July 31, 2020.

Pever Building Company, LLC, has submitted the Maintenance Bond, Payment Certificate, and Contractor's Release to the City. The maintenance Bond is on file in the City Clerk's office.

EXHIBITS: Final Pay Estimate

KEY ISSUES:

FUNDING SOURCE: 2015 CIP Funds

STAFF RECOMMENDED COUNCIL ACTION: Accept the Lawton Public Library Renovation Project #2017-09 as constructed by Pever Building Company, LLC, and place the Maintenance Bond into effect.

Application for Payment #6

Submitted To: City of Lawton 212 Southwest 9th Street Lawton OK 73501	Contractor: Pever Building Company, LLC PO Box 1496 Lawton, OK 73502 US	Period To: 9/8/2020 Payment Due: 9/18/2020 Contract Date: 11/26/2019 Contract #: 2017-09
Job: Lawton Public Library Renovation		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Applications for Payment were issued and payments received, and that current payment shown herein is now due.

Contractor: Pever Building Company, LLC

By: Cynthia Pever Date: 9/8/2020

State of Oklahoma County of Comanche
Subscribed and sworn to me this 8th day of September 2020

Notary Public: Wanda Stinson
My Commission Expires: 02-26-2024

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and data comprising the above application, the Project Manager certifies that to the best of his knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

Amount Certified: \$

Project Manager:

By: Robert M. Naughton Date: 10-6-2020

Architect:

By: [Signature] Date: 10-1-2020

Inspector:

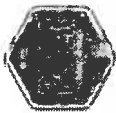
By: _____ Date: _____

Owner:

By: _____ Date: _____

1. ORIGINAL CONTRACT SUM:	\$464,086.00
2. Net Change by Change Orders:	\$2,262.24
3. Contract Sum to Date (1+2):	\$466,348.24
4. Total Completed and Stored To Date (Column G on Page 2):	\$466,348.24
5. Retainage	
a. 5% of Completed Work:	\$0.00
b. 5% of Stored Materials:	\$0.00
6. Total Earned Less Retainage (4-5):	\$466,348.24
7. LESS Previous Applications for Payment:	\$379,736.72
8. Current Payment Due:	\$86,611.52
9. Balance to Finish, Including Retainage (3-6):	\$0.00

CHANGE ORDER SUMMARY:	Additions	Deductions
Changes Approved in Previous Periods:	\$0.00	\$0.00
Changes Approved This Period:	\$2,262.24	\$0.00
Totals:	\$2,262.24	\$0.00
Net Changes by Change Order:		\$2,262.24



Application for Payment #6

CONTINUATION SHEET

A	B	C	D	E	F	G	H	I
Item	Description of Work	Scheduled Value	Work Completed Previously	Work Completed This Period	Materials Stored	Total Completed and Stored to Date	%	Balance to Finish
1	BONDING AND INSURANCE	\$15,356.00	\$15,356.00	\$0.00	\$0.00	\$15,356.00	100.00%	\$0.00
2	DUMPSTERS	\$880.00	\$660.00	\$220.00	\$0.00	\$880.00	100.00%	\$0.00
3	PORTABLE TOILETS	\$16,500.00	\$13,750.00	\$2,750.00	\$0.00	\$16,500.00	100.00%	\$0.00
4	MOBILIZATION	\$7,961.00	\$7,961.00	\$0.00	\$0.00	\$7,961.00	100.00%	\$0.00
5	DEMOLITION	\$40,696.00	\$40,696.00	\$0.00	\$0.00	\$40,696.00	100.00%	\$0.00
6	CONCRETE	\$18,700.00	\$18,700.00	\$0.00	\$0.00	\$18,700.00	100.00%	\$0.00
7	ELECTRICAL	\$41,201.00	\$39,141.00	\$2,060.00	\$0.00	\$41,201.00	100.00%	\$0.00
8	PLUMBING	\$95,780.00	\$90,991.00	\$4,789.00	\$0.00	\$95,780.00	100.00%	\$0.00
9	HVAC	\$13,442.00	\$0.00	\$13,442.00	\$0.00	\$13,442.00	100.00%	\$0.00
10	METAL FRAMING	\$81,579.00	\$81,579.00	\$0.00	\$0.00	\$81,579.00	100.00%	\$0.00
11	PAINTING AND FINISH	\$14,906.00	\$13,150.00	\$1,756.00	\$0.00	\$14,906.00	100.00%	\$0.00
12	DOORS, H.M. FRAMES, HARDWARE & GLAZING	\$23,005.00	\$8,587.20	\$14,417.80	\$0.00	\$23,005.00	100.00%	\$0.00
13	FLOORING AND WALL TILE	\$31,365.00	\$26,660.25	\$4,704.75	\$0.00	\$31,365.00	100.00%	\$0.00
14	ARCHITECTURAL CABINETS AND COUNTER TOPS	\$24,058.00	\$24,058.00	\$0.00	\$0.00	\$24,058.00	100.00%	\$0.00
15	SPECIALTIES	\$30,313.00	\$14,489.41	\$15,823.59	\$0.00	\$30,313.00	100.00%	\$0.00
16	GLAZING REMOVAL AND STORE FRONT TINTING	\$3,944.00	\$3,944.00	\$0.00	\$0.00	\$3,944.00	100.00%	\$0.00
17	DEMOLITION	\$2,420.00	\$0.00	\$2,420.00	\$0.00	\$2,420.00	100.00%	\$0.00
18	FINAL CLEANING	\$1,980.00	\$0.00	\$1,980.00	\$0.00	\$1,980.00	100.00%	\$0.00

Change Orders

19	CHANGE ORDER #1	\$2,262.24	\$0.00	\$2,262.24	\$0.00	\$2,262.24	100.00%	\$0.00
GRAND TOTALS		\$466,348.24	\$399,722.86	\$66,625.38	\$0.00	\$466,348.24	100.00%	\$0.00

**AFFIDAVIT FOR PAYMENTS
FOR \$25,000 OR MORE
CITY OF LAWTON, OKLAHOMA**

**STATE OF OKLAHOMA }
COUNTY OF COMANCHE }**

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment.

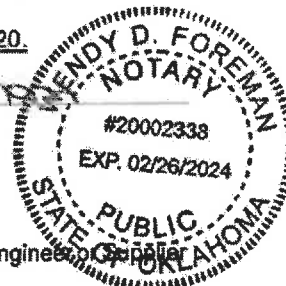
Cynthia Pever
(Contractor)

Subscribed and sworn to before me this 8th day of September, 2020.

Wendy D. Foreman
Notary Public

My Commission Expires:

02-26-2024



Note: Copy of this Affidavit must be attached to any invoice submitted by an Architect, Contractor, Engineer or Supplier of material for \$25,000 or more.

PAYMENT CERTIFICATE

TO: City of Lawton

Re:

I, Cynthia Pever, President of
Name of Authorized Agent and Designation

Pever Building Company LLC do hereby affirm that all claims and Company obligations incurred by me or in my behalf in connection with the performance of the above mentioned project have been fully paid and settled.

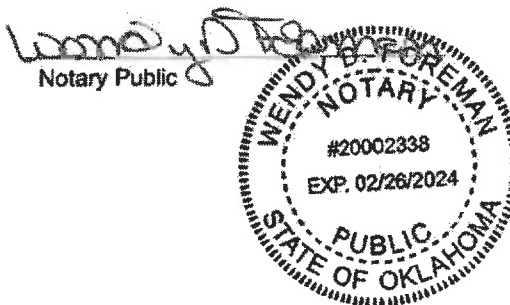
Cynthia Pever
Authorized Representative
Pever Building Company LLC
Name of Company

STATE OF OKLAHOMA }
COUNTY OF COMANCHE }

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this 8th day of September, 2020 personally appeared Cynthia Pever, (name) to me known to be the identical person who signed the name of Pever Building Company LLC, corporation/proprietorship/authorized agent name) an Oklahoma corporation, to the within and foregoing instrument as its President, (president/owner) and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of said Corporation/Company for uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission Expires: 02-26-2024



CONTRACTOR'S RELEASE TO CITY

TO: City of Lawton

Re:

This is to certify that Pever Building Company LLC, by acceptance of this final payment, hereby releases the owner, City of Lawton, from all claims and all liabilities to the City of Lawton for all things done or furnished in connection with work on this project and further releases said City of Lawton from liabilities arising from any act of the owner or his agent arising in connection with this project. This release in no way operates to release the contractor or his Surety from any obligations under this contract or the bond tendered pursuant thereto.

Pever Building Company LLC
Name of Corporation

Cynthia Pever
Authorized Agent

STATE OF OKLAHOMA)
COUNTY OF COMANCHE }

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this 8th day of September, 2020, personally appeared Cynthia Pever, (name) to me known to be the identical person who signed the name of Pever Building Company LLC, O(business/proprietorship/authorized agent name), an Oklahoma corporation/proprietorship, to the within and foregoing instrument as its President (president/owner), and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of said Corporation/ Company for uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

Wendy D. Foreman
Notary Public

My Commission Expires 09-26-2024



ITEM NO. 3

MEETING DATE: November 10, 2020

CITY COUNCIL AGENDA ITEM COMMENTARY

ITEM TITLE: Consider authorizing staff to prepare and issue a Request for Proposal (RFP) for pavement condition assessment and data collection services.

INITIATOR: Public Works Director, Larry Wolcott, P.E.

STAFF INFORMATION SOURCE: Public Works Director, Larry Wolcott, P.E.
Streets Superintendent, Cliff Haggemiller

BACKGROUND: The 2019 CIP included \$18 million for improvements to arterial streets and \$10 million for maintenance and preventative maintenance of streets. In order to help prioritize needed street improvements and maintenance activities to maximize the benefit of expenditures, it is desirable to retain professional services for pavement condition assessment and data collection throughout the city.

The assessment would include data analysis of street pavement attributes such as cracking, rutting, roughness, distortions, base condition, etc. Collection of this data is performed by specialized 3D laser scanners and deflection testing equipment and will provide an objective method to calculate pavement condition index (PCI) values for all streets. These PCI values would then be used to create multi-year pavement rehabilitation strategies and prioritized paving management plans.

EXHIBITS: N/A

KEY ISSUES: N/A

FUNDING SOURCE: 2019 Capital Improvement Plan

RECOMMENDED COUNCIL ACTION: Authorize staff to prepare and issue a Request for Proposal (RFP) for pavement condition assessment and data collection services.

ITEM NO. 4
MTG. DATE: November 10, 2020

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider accepting a temporary easement from Deborah Kaye MacIntyre, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document.

INITIATOR: Director of Engineering, Joseph Painter, P.E. 

STAFF INFORMATION SOURCE: Director of Engineering, Joseph Painter, P.E.

BACKGROUND: This tract is located at 4021 SE Bedford Circle and is one of several tracts needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07. The tract consists of approximately 0.01 acres of temporary right of way. The property owner has donated the easement. Staff recommends that Council accept a temporary easement.

EXHIBITS: Document is on file in the City Clerk's office.

KEY ISSUES: NA


FUNDING SOURCE: 2016 CIP Funds

STAFF RECOMMENDED COUNCIL ACTION: Accept a temporary easement from Deborah Kaye MacIntyre, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document.

ITEM NO. 5
MTG. DATE: November 10, 2020

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider accepting a temporary easement from Pavel & Michelle Grepl, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document.

INITIATOR: Director of Engineering, Joseph Painter, P.E. 

STAFF INFORMATION SOURCE: Director of Engineering, Joseph Painter, P.E.

BACKGROUND: This tract is located at 1415 NW 24th Street and is one of several tracts needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07. The tract consists of approximately 0.02 acres of temporary right of way. The property owner has donated the easement. Staff recommends that Council accept a temporary easement.

EXHIBITS: Document is on file in the City Clerk's office.

KEY ISSUES: NA

FUNDING SOURCE: 2016 CIP Funds

STAFF RECOMMENDED COUNCIL ACTION: Accept a temporary easement from Pavel & Michelle Grepl, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document.

ITEM NO 6

MTG. DATE November 10, 2020

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider awarding contract (CL21-010) Mobile Sludge Reduction to WBI Inc. of Kingwood, TX.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Carl Gray, Deputy Director of Public Utilities

BACKGROUND: Due to numerous equipment failures, the WWTP has an excessive solid inventory causing the plant to be out of compliance with its' NPDES Discharge Permit. Removal of the excess solids and repair of equipment is required to bring the WWTP back into sustainable discharge compliance. The rebuild of the City of Lawton dewatering equipment is underway with an anticipated completion date of Summer 2021.

A requirements contract was bid out and four (4) bids and one (1) non-responsive bid were received on October 13, 2020. After reviewing the bids for (CL21-010) Mobile Sludge Reduction it is the department recommendation that the contract be awarded to WBI Inc. of Kingwood, TX. WBI Inc. was the best and lowest bidder and met all specifications. The requirement contract allows for solids removal on an as needed basis for a full year from contract award.

EXHIBITS: Department Recommendation, Abstract of Bids, Price Sheets.

KEY ISSUES: Does the City of Lawton wish to award (CL21-010) Mobile Sludge Reduction to WBI Inc. of Kingwood, TX?

FUNDING SOURCE: WWTP Repair/Maint Account (050-1376-000-00-02110000)
Sewer Construction Repair/Maint Account (077-1338-000-00-02110000)

RECOMMENDED COUNCIL ACTION: Award contract (CL21-010) Mobile Sludge Reduction to WBI Inc. of Kingwood, TX in the estimated amount of \$200,000.00.



City of Lawton

Department of Public Utilities

E-mail: publicutilities@lawtonok.gov
Telephone 580-581-3405
Fax 580-581-3407

Mailing Address: 103 Southwest 4th Street
Shipping Address: 2100 South 6th Street
Lawton, Oklahoma 73501

To: Julie Magness, Budgeting and Accounting Supervisor
From: Carl Gray, Deputy Director of Public Utilities
Thru: Rusty Whisenhunt, Director of Public Utilities *wm*
Subject: CL21-010 Sludge Reduction and Disposal
Date: October 21, 2020

It is recommended to award the contract for Sludge Reduction and Disposal to the best and lowest bidder, WBI Inc. WBI Inc., met all specifications and requirements.

Funds are available in the Wastewater Treatment Plant and Sewer Construction Divisions' Repair and Maintenance Accounts (050-1376-000-00-02110000 and 077-1338-000-00-02110000).

If you have any questions regarding this information, please contact me.

ABSTRACT OF BIDS

I certify that I have opened, read, and recorded herein all bids received and listed below:

Signature: *W. B. M.*

IFB/RFPP Number CL21-010		Date Opened: 10/13/2020	Bidder Number 1		Bidder Number 2		Bidder Number 3		Bidder Number 4			
SLUDGE REDUCTION & DISPOSAL			Hodges Farms & Dredging, LLC 501 N. West Street Lebo, KS 66856		Merrell Bros, Inc. 8811 West 500 North Kokomo, IN 46901		Sandyland Environmental 4930 N3775 Allen, OK 74825		WBH, Inc. 526 Kingwood Dr. Suite 279 Kingwood, TX 77339			
			Tel: 620-343-4513 Fax: 620-481-3959		Tel: 574-699-7785 Fax: 574-699-7478		Tel: 580-465-2756 Fax:		Tel: 713-907-7200 Fax: 281-713-8339			
			Contact: Jeff Hodges		Contact: Dustin Smith		Contact:		Contact: Thomas Whitener			
			Addenda Acknowledged N/A		Addenda Acknowledged N/A		Addenda Acknowledged N/A		Addenda Acknowledged N/A			
Number of Addenda Issued: NONE			Buyer M Sego		Net 30 Yes Yes Yes		Yes Yes No		As Required Yes Yes No			
Delivery Corporate Seal or Notary Affidavit of Payments...\$25,000 Certificate of Insurance Enclosed			Yes Yes No									
Item No.	Description of Bid Item	Est. Qty	Unit	Est. Qty	RATE	EXTENSION	Est. Qty	RATE	EXTENSION	Est Qty	RATE	EXTENTION
1	Mobilization / Demobilization		LS		\$19,575.00	\$19,575.00	1	\$69,450.00	\$69,450.00	1	\$30,000.00	\$30,000.00
2	De-Watering of Sludge*		TON	1	\$197.00	\$197.00	1	\$348.00	\$348.00	1	\$150.00	\$75,000.00 for 900 tons
Total	Total Amount of Bid			\$19,772.00			\$69,798.00			\$30,150.00		\$2,577.00

Bid Number: CL21-010

Bid Title: Sludge Reduction and Disposal

Vendor Name:

WBI INC.

Price Bid Sheet

(must be completed and returned with the bid)

ITEM #	DESCRIPTION	EST. QTY	UNIT	RATE	EXTENSION
1.	Mobilization/Demobilization	1	LS	\$ 2,500. ⁰⁰	\$ 2,500. ⁰⁰
2.	De-Watering of Sludge*	500	TON	\$ 38,500. ⁰⁰	\$ 38,500. ⁰⁰
TOTAL AMOUNT OF BID				\$ 41,000. ⁰⁰	\$ 41,000. ⁰⁰
Total Amount of Bid In Words			Dollars	Forty One thousand ⁰⁰ / ₁₀₀	

*Haulage to Landfill site shall be included in bid for de-watered sludge

Please contact Beth Petrich for any questions in regards to the specifications at
(580) 581-3405 or bpetrich@lawtonok.gov

Notes:

1. As per accompanying specifications.
2. This is a requirements contract.
3. There are insurance requirements for this contract.
4. Please submit two copies of any additional documents such as descriptive literature.
5. Items to be delivered as agreed upon.
6. Product data for an "or Equal" request on any item should be submitted with the bid.
7. Amounts are to be shown in both words and figures. In case of any discrepancy, the amount shown in words will govern.
8. DISCLAIMER: Bidder understands that the City of Lawton reserves the right to accept or reject any or all bids.

Bid provided by:

WBI INC.
Company Name

Thomas Whitaker
Representative

1304.2020
Date

713-907-7200
Phone Number

281-713-8339
Fax Number

ITEM NO. 7

MEETING DATE November 10, 2020

CITY COUNCIL MEETING
MAYOR AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving appointments to boards and commissions.

INITIATOR: Mayor Stanley Booker

STAFF INFORMATION SOURCE: N/A

BACKGROUND: It is recommended that the persons nominated as shown be approved for appointment to the following boards and commissions.

Pension Trust Commission

James Apple
3502 SE 45th Street
Lawton, OK 73501
11/10/25

Mayor's Commission On The Status Of Women

Christina Woodson
106 SW Elk Creek Loop
Cache, OK 73527
At Large City or County
11/10/22

EXHIBITS: None

KEY ISSUES: N/A

FUNDING SOURCE: N/A

MAYOR RECOMMENDED COUNCIL ACTION: Approve the appointments to boards and commissions.

BUSINESS ITEMS

ITEM NO. 8

MEETING DATE: November 10, 2020

CITY COUNCIL MEETING
AGENDA ITEM COMMENTARY

ITEM TITLE: Receive bids for the sale of the City's \$4,590,000 General Obligation Bonds, Series 2020, and award the sale of the \$4,590,000 General Obligation Bonds, Series 2020, to the lowest bidder.

INITIATOR: City Council

STAFF INFORMATION SOURCE: Michael Cleghorn, City Manager
Timothy Wilson, Interim City Attorney

BACKGROUND: On February 14, 2017, Lawton voters approved a Street Improvements Capital Improvement Program in the amount of \$55,300,000 to be funded by ad valorem taxes. The ordinance approved by voters authorized the issuance of general obligation bonds over a period of 13 years to finance the street improvements repayable by such taxes.

On October 13, 2020, the City Council by Resolution fixed the amount of the Street Improvement General Obligation Bonds, Series 2020, to mature each year; fixed the time and the place the General Obligation Bonds, Series 2020, are to be sold; designated a paying agent/registrar; approved the preliminary official statement and distribution thereof; ratified and confirmed a continuing disclosure agreement; authorized the City of Lawton City Clerk to give notice of said sale as required by law and fixed other details of the issue. General Obligation Bonds in Oklahoma must be sold through a public or competitive sale process. Upon approval of the Resolution by the City Council, documents were prepared by the City's financing team to sell the bonds in accordance with Oklahoma Constitutional and Statutory requirements, including the publication of a Notice of Sale of Bonds in the local newspaper. In addition, the Preliminary Official Statement and Instructions to Bidders were distributed to interested bidders which included local banks and other banks in Oklahoma and surrounding States and Broker-Dealers.

(Background Continued on Page 2).

EXHIBITS: Bid Tabulation Sheet to be distributed at Council Meeting

KEY ISSUES: Does the City Council wish to accept bids on the \$4,590,000 General Obligation Bonds, Series 2020, and award to the lowest bidder complying with the terms and conditions of the bid process?

FUNDING SOURCE: 2017 Ad Valorem Tax Street Improvements Capital Improvement Program

RECOMMENDED COUNCIL ACTION: Take action with respect to the sale of the City's \$4,590,000 General Obligation Bonds.

(Background Continued from Page 1)

In October 2020, a rating call was held with Standard & Poor's which has previously rated the City's GO debt. Lawton had an AA- rating from S&P prior to the call and the rating remained the same. A national rating provides the greatest opportunity for the City to receive competitive rates from various firms bidding the issue.

Bids for the General Obligation Bonds, Series 2020, will be accepted until 11:00 a.m. on Tuesday, November 10th. The bids will be compiled by the financing team and presented to the City Council at its regular meeting on the above date. The bidder offering the lowest interest rate and complying with the Instructions to Bidders will be recommended for acceptance by the City of Lawton City Council.

ITEM NO. 9

MEETING DATE: November 10, 2020

CITY COUNCIL MEETING
COUNCIL AGENDA ITEM COMMENTARY

ITEM TITLE: Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2020, in the sum of \$4,590,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2020; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2020; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

INITIATOR: City Council

STAFF INFORMATION SOURCE: Michael Cleghorn, City Manager
Timothy Wilson, Interim City Attorney

BACKGROUND: On February 14, 2017, City of Lawton qualified electors approved a Street Improvements Capital Improvement Program in the amount of \$55,300,000 to be funded by ad valorem taxes. The ordinance approved by voters authorized the issuance of general obligation bonds to finance the street improvements repayable by such taxes.

(Background Continued on Page 2).

EXHIBITS: Ordinance No. 2020 - __

KEY ISSUES: Does the City Council wish to authorize the issuance of the General Obligation Bonds, Series 2020, for the purpose indicated?

FUNDING SOURCE: 2017 Ad Valorem Taxes Street Improvements Capital Improvement Program

RECOMMENDED COUNCIL ACTION: Approve the Ordinance authorizing the issuance of the City of Lawton's \$4,590,000 General Obligation Bonds, Series 2020, for the contemplated street improvement projects as approved by local voters and approve an Emergency Clause.

The Ordinance contains an Emergency Clause that will require a separate vote of the Council. The Emergency Clause allows the General Obligation Bonds, Series 2020, to be sold to the low bidder and reoffered to investors without any time delay.

(Background Continued from Page 1)

On October 13, 2020, the City Council of the City of Lawton adopted a resolution fixing the amount of the General Obligation Bonds, Series 2020, to mature each year; fixing the time and the place the General Obligation Bonds, Series 2020, are to be sold; designating a paying agent/registrar; approving the preliminary official statement and distribution thereof; ratifying and confirming a continuing disclosure agreement; authorizing the City Clerk of the City of Lawton to give notice of said sale as required by law and fixing other details of the issue. The proposed Ordinance authorizes the selling of General Obligation Bonds, Series 2020, to finance \$4,590,000 in street improvement projects with an issue date of December 30, 2020.

In the previous agenda item at this meeting, the City Council will consider bids for the sale of the \$4,590,000 in General Obligation Bonds, Series 2020, for a Street Improvements Capital Improvement Program and award the General Obligation Bonds, Series 2020, to the lowest bidder complying with the terms and conditions of the bid. This agenda item authorizes the issuance of the General Obligation Bonds, Series 2020, and contains language promulgated by the Oklahoma Attorney General with respect to General Obligation Bonds.

The Ordinance authorizes the issuance of the General Obligation Bonds, Series 2020; provides for an annual ad valorem tax levy to repay the General Obligation Bonds, Series 2020; provides for the registration of the General Obligation Bonds, Series 2020; approves the Official Statement prepared to offer the General Obligation Bonds, Series 2020 and other pertinent provisions of the bond issuance process.

EMERGENCY ORDINANCE NO. 20- AUTHORIZING ISSUANCE OF BONDS

THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA, MET IN REGULAR SESSION IN THE CITY COUNCIL CHAMBERS AT THE CITY HALL IN SAID CITY ON NOVEMBER 10, 2020 AT 2:00 P.M.

COUNCILMEMBERS PRESENT:

ABSENT:

Notice of regular meetings of the City Council of the City of Lawton, Oklahoma for calendar year 2020 having been given in writing to the City Clerk of the City of Lawton, Oklahoma prior to December 15, 2019, and public notice of this meeting, setting forth the date, time, place and agenda was posted at the entry to City Hall, 212 S.W. 9th, Lawton, Oklahoma, in prominent view twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays, and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon the proposed City Ordinance set forth herein below, a written copy of which has been provided to each Councilmember, was introduced by the Mayor and read by heading. Thereupon Councilman ____ moved that said Sections 1 through 10 of the proposed Ordinance be adopted, which motion was seconded by Councilman _____, whereupon the roll was called on the question of the adoption of Sections 1 through 10 of the Ordinance, resulting in the adoption thereof by the following vote:

AYE:

NAY:

Thereupon Section 11 of the Ordinance setting forth the emergency nature of said Ordinance was read and Councilman _____ moved that Section 11 be adopted and an emergency be declared, which matter was seconded by Councilman _____, whereupon the roll was called on the question of the adoption of Section 11 and declaring an emergency to exist, resulting in the adoption thereof by the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality, and is as follows:

EMERGENCY ORDINANCE NO. 20-__

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE SUM OF FOUR MILLION FIVE HUNDRED NINETY THOUSAND DOLLARS (\$4,590,000) DOLLARS BY THE CITY OF LAWTON, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE OFFICIAL STATEMENT PERTAINING TO THE BONDS; PROVIDING FOR THE LEVY OF AN ANNUAL TAX FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME; FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 14th day of February, 2017, pursuant to notice given, an election was held in the City of Lawton, Oklahoma (the "City"), for the purpose of submitting to the registered qualified voters the question of the issuance of general obligation bonds of said City, which election included the following proposition: improving streets/roadways acquired by the City through grant, dedication, or otherwise for use by the City's inhabitants and travelling public, and City-owned utilities under and adjacent to such streets/roadways found to be in need of repair/replacement, pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma; and

WHEREAS, as shown by the canvass of the returns by the Comanche County Election Board at said 2017 election, there were cast by the registered, qualified voters of said City 2,038 votes, of which 1,129 were in favor of and 909 were cast against the issuance of said principal amount of bonds for such purpose; and

WHEREAS, a lawful majority of the registered, qualified voters voting on the proposition cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized, and

WHEREAS, the Council of the City of Lawton, Oklahoma has determined there is needed at this time to issue an aggregate principal amount of \$4,590,000 of street, road, and intersection improvement bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

Section 1. That there are hereby authorized to be issued the bonds of the said City in accordance with the form as hereinafter set out, in the aggregate amount of Four Million Five Hundred Ninety Thousand Dollars (\$4,590,000) and shall be called "General Obligation Bonds, Series 2020", shall be dated December 1, 2020, and shall become due and payable and bear interest from their date until paid as follows:

\$510,000 maturing on December 1, 2022 at ____% percent
\$510,000 maturing on December 1, 2023 at ____% percent
\$510,000 maturing on December 1, 2024 at ____% percent
\$510,000 maturing on December 1, 2025 at ____% percent
\$510,000 maturing on December 1, 2026 at ____% percent
\$510,000 maturing on December 1, 2027 at ____% percent
\$510,000 maturing on December 1, 2028 at ____% percent
\$510,000 maturing on December 1, 2029 at ____% percent
\$510,000 maturing on December 1, 2030 at ____% percent

interest payable semi-annually on the 1st days of June and December of each year, commencing June 1, 2022. The bonds are issuable as registered Bonds, initially in Book-Entry Only form, in denominations of \$5,000 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OKLAHOMA
CITY OF LAWTON, OKLAHOMA
GENERAL OBLIGATION BONDS, SERIES 2020

No. R-1

\$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated</u>	<u>Cusip</u>
_____%	December 1, _____	December 1, 2020	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That the City of Lawton, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named above or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified above, from the date hereof until paid, payable semi-annually on the 1st day of June and December, respectively, in each year, beginning June 1, 2022.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT, AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor except as to date of maturity, rate of interest, denomination, aggregating the principal sum of Four Million Five Hundred Ninety Thousand Dollars (\$4,590,000.00) and is issued for the purpose of improving streets/roadways acquired by the City of Lawton through grant, dedication, or otherwise for use by the City of Lawton's inhabitants and travelling public, and City-owned utilities under and adjacent to such streets/roadways found to be in need of repair/replacement, to be owned exclusively by said City and issued pursuant to Section 27, Article 10 of the Constitution and statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

The Bonds are not subject to redemption prior to maturity.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law, and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed by facsimile signature of its Mayor, attested by facsimile signature of its Clerk, and its seal to be imprinted hereon, all as of December 1, 2020.

(SEAL)

ATTEST:

Mayor

City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the bonds of the issue described in the Transcript of Proceedings prepared for this bond issue, and is one of the General Obligation Bonds, Series 2020, of the City of Lawton, Oklahoma.

Date of Registration
and Authentication

BOKF, NA
Oklahoma City, Oklahoma

By: _____
Authorized Officer

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

We, the undersigned, District Attorney and County Clerk, respectively, of said County in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this ____ day of _____, 2020.

District Attorney
Judicial District Number 5

County Clerk
Comanche County

TRANSFER

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____, attorney, to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____

Signature guaranteed by: _____

In the presence of:

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

I, the undersigned, the duly qualified and acting Finance Director of the within named City in said County and State, hereby certify that I have duly registered the within Bond in my office on this _____ day of _____, 2020.

WITNESS my hand the date above written.

Finance Director

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT

_____, 2020

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13, and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said Bond appearing in the caption hereto.

Attorney General, Ex-Officio
Bond Commissioner of the State
of Oklahoma

Section 3. That each of said Bonds shall be executed by facsimile signature of the Mayor and have the corporate seal of said City imprinted thereon, and be attested by facsimile signature of the Clerk of said City; that said officers be and hereby are authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Finance Director of said City, endorsed by the District Attorney and County Clerk and presented to the Attorney General, Ex-Officio Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issuance for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser(s) upon payment of the purchase price thereof, which shall not be less than par and accrued interest.

The proceeds derived from the sale of said Bonds shall be placed in a separate special project fund titled 2020 Street/Roadway Account and used as set forth in the election proceedings relating to the Street/Roadway Improvement Projects proposition in addition to paying costs of issuance required to be paid from such amount. The Account shall be used solely for the stated purpose of such Account.

Section 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

Section 5. The Registrar/Paying Agent for all Bonds issued pursuant to this Ordinance shall be BOKF, NA, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appear on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment on such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be cancelled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of \$5,000 or any whole multiple thereof. The Registrar shall not be required to make such transfer after the fifteenth (15) day preceding any interest payment date until after said latter date.

Section 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and City Clerk (or in their absence or incapacity, the Mayor pro tem and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

Section 7. That beginning in the year 2020, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property in said City, in addition to all other taxes, said sinking fund to be designated "GENERAL OBLIGATION BONDS, SERIES 2020 SINKING FUND." Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied extended and collected; that all funds derived from said tax shall be placed in said sinking fund together with any earnings collected from the investment thereof, shall be and is hereby irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

Section 8. The Bonds shall not be subject to redemption prior to maturity.

Section 9. The Continuing Disclosure Agreement is hereby approved.

Section 10. The Official Statement dated November __, 2020, pertaining to the Bonds issued pursuant to this Ordinance is hereby approved and the Official Statement as of its date, is true and correct and does not, as of its date, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

Section 11. That by reason of said City being without adequate streets/roadways it is deemed and hereby declared necessary for the immediate preservation of the peace, welfare, health and safety that said bonds be issued without delay, and to that end this Ordinance shall become operative immediately; wherefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this November 10, 2020.

(SEAL)

Mayor

ATTEST:

City Clerk

APPROVED as to form and legality this November 10, 2020.



Timothy Wilson, Interim City Attorney

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

I, the undersigned, the duly qualified and acting Clerk of the City of Lawton, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of bonds for the purposes therein set out adopted by the governing body of said City and transcript of proceedings of said governing body had at a regular meeting thereof, held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof, as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the notice of regular meetings for calendar year 2020 filed with the City Clerk of the City of Lawton, Oklahoma prior to December 15, 2019, and public notice of this meeting, setting forth the date, time, place and agenda was posted at the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week at _____ o'clock _____.m., on November __, 2020, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this November 10, 2020.

(SEAL)

City Clerk

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider accepting a Grant from the Oklahoma Development Finance Authority for the Development Finance Authority Public-Private Partner Military Infrastructure Pool (Lawton/Fort Sill P3 Water Resiliency Project) Series 2020 Grant in support of the Lawton/Fort Sill Water Resiliency Project and authorize the Mayor and City Clerk to execute the Agreement between the City of Lawton and the Oklahoma Development Finance Authority.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities
Richard Rogalski, Deputy City Manager

BACKGROUND: The City of Lawton, Oklahoma (City) relies on three (3) surface water reservoirs to meet the water supply needs of the City and its wholesale customers, including the Fort Sill Military Installation (Fort Sill). Fort Sill relies solely on the City to supply water for its civilian and military workforce, including residential housing. In recent years, the reliability of the City's water supply has been threatened due to changing climatic conditions in southwest Oklahoma.

On December 9, 2014, Lawton City Council approved a contract with Garver, LLC for a feasibility study for development of an alternative water supply study and report. Based on the results of the study, the City decided to implement a new groundwater supply as the recommended approach for diversifying Lawton's water supply portfolio with a drought resilient source. This solution proposes
(Background Continued on Page 2)

EXHIBITS: The Funding Agreement and ODOC Determination Letter of Award are on file in the Department of Public Utilities Office.

KEY ISSUES: Does the City of Lawton wish to accept the \$8,400,000 Oklahoma Development Finance Authority Grant in support of the Lawton Fort Sill Water Resiliency Project and authorize the Mayor and City Clerk to execute the Agreement between the City of Lawton and the Oklahoma Development Finance Authority?

FUNDING SOURCES: State of Oklahoma Revolving Fund

STAFF RECOMMENDED COUNCIL ACTION: Accept the \$8,400,000 Oklahoma Development Finance Authority Grant in support of the Lawton Fort Sill Water Resiliency Project and authorize the Mayor and City Clerk to execute the Agreement between the City of Lawton and the Oklahoma Development Finance Authority.

(Background Continued from Page 1)

drilling groundwater wells in the southeast section of the City and surrounding area and conveying the groundwater to a centralized treatment facility located at the City's Southeast Water Treatment Plant (SEWTP).

The City of Lawton applied for a Department of Defense Grant in June of 2020 to assist in funding the estimated \$42,000,000 groundwater supply construction and implementation project. In August of 2020, the City was awarded \$8,400,000 less administrative fees of approximately \$45,200 to be paid in quarterly installments commencing January 2021 continuing to and including October 2023.

ITEM NO. 11

MEETING DATE November 10, 2020

CITY COUNCIL AGENDA ITEM COMMENTARY

ITEM TITLE: In accordance with §10-16-1604 Section A of the Lawton City Code, 2005, the City Manager is petitioning the council to consider authorizing the use of funds from the Emergency Reserve Fund for the purpose of managing the tree and limb cleanup operations from the October 27, 2020 Ice Storm.

INITIATOR: Michael Cleghorn, City manager

STAFF INFORMATION SOURCE: Michael Cleghorn, City Manager; Larry Wolcott, Public Works Director; Richard Rogalski, Deputy City Manager PW/PU.

BACKGROUND: In order to access the use of emergency funds IAW Chapter 10-16-1604 of the City of Lawton code of ordinances 2015, the city manager may petition the council to consider authorizing the use of the fund balance committed for the purpose of emergency management stabilization. The city council shall then make a determination as to whether to appropriate monies from said committed fund balance, the amount of said appropriation, and the specific purpose(s) for which said funds shall be appropriated and expended. For the funds to be utilized there must be a federal, state or locally declared emergency. On October 27, 2020, the City of Lawton experienced an ice storm that caused among other conditions, major damage to trees throughout the entire community. As a result of the ice storm, Governor Kevin Stitt has declared a state of emergency in 47 Oklahoma counties, to include Comanche County.

(Continued on Page 2)

EXHIBITS: Elmer Thomas Park drop off site map.

KEY ISSUES: Declare an emergency to authorize the use of the City's emergency fund IAW 10-16-1604 qualifying emergencies and events.

FUNDING SOURCE: Emergency Management Stabilization Fund

RECOMMENDED COUNCIL ACTION: Authorize the use of funds from the Emergency Reserve Fund in the amount not to exceed \$300,000 for tree and limb cleanup operations from the October 27, 2020 Ice Storm.

(Continued from Page 1)

It is anticipated that it will take approximately one (1) month to clean up the damaged trees and limbs and dispose of the debris by disposal at the landfill and the alternate disposal site located at Elmer Thomas Park. All limbs will be ground into mulch, no limbs will be burned within the City Limits. Staff along with authorized contractors will clear the arterial, collector and residential streets. It is estimated that the contractor and overtime costs to complete the cleanup operations will be in the \$150,000 to \$300,000 range. All expenditures will be tracked as required by FEMA for possible reimbursement. Any reimbursement from FEMA will be used to reimburse the Emergency Fund for the cost of the anticipated overtime and contractor cost, necessary for preparing the debris management sites.

The criterion for qualifying to utilize the Emergency Reserve Fund by the City Council is limited to the following:


- A. Responding to any federal, state, or locally declared emergency;
- B. Replacement/repair, and the materials necessary for the operation of infrastructure determined to be critical to protect the public health;
- C. Abatement of dangerous conditions on city-owned or controlled property determined to pose an imminent risk to public safety;
- D. Repair/maintenance of city vehicles and equipment determined to be necessary for their safe and efficient operation;
- E. Addressing any legally mandated actions stemming from federal and state regulations impacting municipal functions and any necessary expenditure associated therewith; and
- F. Acquisition of tactical protective equipment for use by law enforcement in emergency or potentially emergency situations.

Staff believes criteria "A" above, meets the qualifying requirements to be able to utilize the Emergency Reserve Fund.



CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider an ordinance amending Section 6-1-5-182 Chapter 6, Lawton City Code, 2015, by allowing for electrical security fencing to be permitted within the city limits; providing for severability; renumbering and establishing an effective date.

INITIATOR: Richard Rogalski, Deputy City Manager 

STAFF INFORMATION SOURCE: Richard Rogalski, Deputy City Manager

BACKGROUND: The proposed ordinance changes the code regarding electric fences in the city limits of Lawton. Currently, an electrical fence is only permitted when used on farmlands, provided that the fence is six feet from a street or sidewalk and has a charge of no more than 12 volts. The proposed ordinance will allow for electrical fences to be installed within the C-5 District and all industrial zoning districts with the following provisions: the electrical fencing shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, with the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 2 of said standard; the electrical fencing shall be at least six feet from any public street right-of-way or sidewalk; the power supply of the electrical fencing shall not exceed 12 volts of direct current. The storage battery is allowed to be charged by a solar panel; the electrical fencing shall be completely surrounded by a non-electrical perimeter fence or wall that is not less than four feet in height; the maximum height of the electric fencing will be eight feet when located within the front yard setback, otherwise the maximum height will be ten feet; the electrical fencing shall be clearly identified with warning signs that read: "Warning- Electric Fence" at regularly spaced intervals not to exceed 50 feet; and the perimeter fence or wall shall be electrically isolated from the electrical fencing. The ordinance also specifies that if the electric fencing is installed as a component of a security/burglar system and installed within a non-electric perimeter fence or wall, it is not considered a fence when located within the front yard setback as required in Chapter 18 of the Lawton City Code. Security fencing shall have a means of emergency operation approved by the Fire Marshal and the emergency operation shall be maintained at all times.

These safety regulations will provide for a higher level of security for the property utilizing it, while also providing for the safety of the general public and emergency personnel.

EXHIBITS: Ordinance No. 2020-
Paragraph 22.108 of the IEC Standard
Figure 102 of the IEC Standard

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED COUNCIL ACTION: Adopt Ordinance No. 2020-____, waive the reading of the ordinance, read the title only.

ORDINANCE NO. 20-_____

AN ORDINANCE PERTAINING TO BUILDING, CONSTRUCTION AND HOUSING BY AMENDING SECTION 6-1-5-182, CHAPTER 6, LAWTON CITY CODE, 2015, BY AMENDING THE REGULATIONS FOR ELECTRICAL FENCING TO BE PERMITTED WITHIN THE CITY LIMITS; PROVIDING FOR SEVERABILITY; RENUMBERING; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Sections 6-1-5-182 is hereby amended to read as follows:

6-1-5-182 - Barbed wire and electrical fences prohibited—Removal—Exceptions.

- A. No person shall build, construct, erect or maintain any electrical or barbed wire fencing within the city.
- B. Any barbed wire or electrical fencing not in accordance with this section shall be deemed unlawful shall be removed within ten (10) days after notice by the city manager or his designee has been given to the owners or occupants of lots on which such fences are constructed or maintained. If the fencing is not removed, the city is authorized to remove the fencing and the costs to be charged as taxes and become a lien against the property.
- C. This section shall not apply to:
 1. Electrical fencing when used on any farmlands; provided that such fencing be at least six (6) feet from any public street right-of-way or sidewalk and be the power supply of the electric fencing shall not exceed ~~charged with not~~ more than twelve (12) volts of ~~electricity~~ direct current;
 2. Electrical fencing for security and alarm purposes in the C-5 General Commercial District, I-1 Restricted Manufacturing and Warehouse District, I-2 Industrial Park District, I-3 Light Industrial District, and I-4 Heavy Industrial District, provided that the following provisions are met:
 - a. The electrical fencing shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, with the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 2 of said standard;
 - b. The electrical fencing shall be at least six (6) feet from any public street right-of-way or sidewalk;
 - c. The power supply of the electrical fencing shall not exceed more than twelve (12) volts of direct current. The storage battery is allowed to be charged by a solar panel;
 - d. The electrical fencing shall be completely surrounded by a non-electrical perimeter fence or wall that is not less than four (4) feet in height;

- e. The maximum height of the electric fencing will be eight (8) feet when located within the front yard setback, otherwise the maximum height of the fence will be ten (10) feet;
 - f. The electrical fencing shall be clearly identified with warning signs that read: "Warning- Electric Fence" at regularly spaced intervals not to exceed fifty (50) feet;
 - g. The perimeter fence or wall shall be electrically isolated from the electrical fencing;
 - h. The electrical fencing, when installed as a component of a security/burglar alarm system and installed within a non-electric perimeter fence or wall, shall not be considered a fence as defined in Chapter 18 of this code;
 - i. The electrical fencing shall have at all times a means of emergency operation for emergency personnel access and such means shall be approved by the Fire Marshal.
3. Barbed wire when strung on extension arms at the top of a fence; provided that such barbed wire be at least six feet from the ground and not extend beyond the property line upon which such fence is situated; or
 4. Barbed wire when used on any land in excess of five acres to retain large animals as defined in Section 5-101. However, such fencing shall be at least six feet from a street or sidewalk and shall not create a hazard to the area.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Renumbering. The provisions of Section 6-1-5-182, Chapter 6, Lawton City Code, 2015, shall be renumbered consecutively to reflect the new numbering of paragraphs of said section as amended by this ordinance as to avoid duplication or omission of numbers and/or letters in said section.

Section 4. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.


ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 10th day of November, 2020.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this 23rd day of October, 2020.

 for City Atty.
TIMOTHY WILSON, INTERIM CITY ATTORNEY

22.106 In **types A, B and C energizers**, terminals for the connection of the battery and other metal parts in a battery compartment that become accessible when replacing batteries, even with the aid of a **tool**, shall be insulated from **live parts** by **double insulation** or **reinforced insulation**.

In **type D energizers** and **battery-operated energizers**, parts in a battery compartment that become accessible when replacing batteries, even with the aid of a **tool**, shall not be **live parts**.

*Compliance is checked by inspection, measurement and by the tests specified for **double insulation** or **reinforced insulation**.*

22.107 Battery-operated energizers and battery-operated energizers suitable for connection to the mains shall be provided with means to prevent the user from being subjected to an electric shock due to the **energizer** output voltage, when connecting a battery to the **energizer**.

Compliance is checked by inspection.

NOTE Examples of such means are:

- a switch that isolates the terminals for the connection of the battery;
- a control that enables the output voltage to be reduced to zero;
- insulated crocodile clips or similar devices.

22.108 Energizer output characteristics shall be such that

- the impulse repetition rate shall not exceed 1 Hz;
- the **impulse duration** of the impulse in the 500 Ω component of the **standard load** shall not exceed 10 ms;
- for **energy limited energizers** the energy/impulse in the 500 Ω component of the **standard load** shall not exceed 5 J;
- for **current limited energizers** the **output current** in the 500 Ω component of the **standard load** shall not exceed for
 - an **impulse duration** of greater than 0,1 ms, the value specified by the characteristic limit line detailed in Figure 102;
 - an **impulse duration** of less than 0,1 ms, 15 700 mA.

*Compliance is checked by measurement when the **energizer** is supplied with the voltage in 11.5, the **energizer** being operated under conditions of **normal operation** but with the **standard load** connected to its output terminals. When measuring the impulse repetition rate the **standard load** is not connected.*

The measurements are made using a measuring arrangement with an input impedance consisting of a non-inductive resistance of not less than 1 M Ω in parallel with a capacitance of not more than 100 pF.

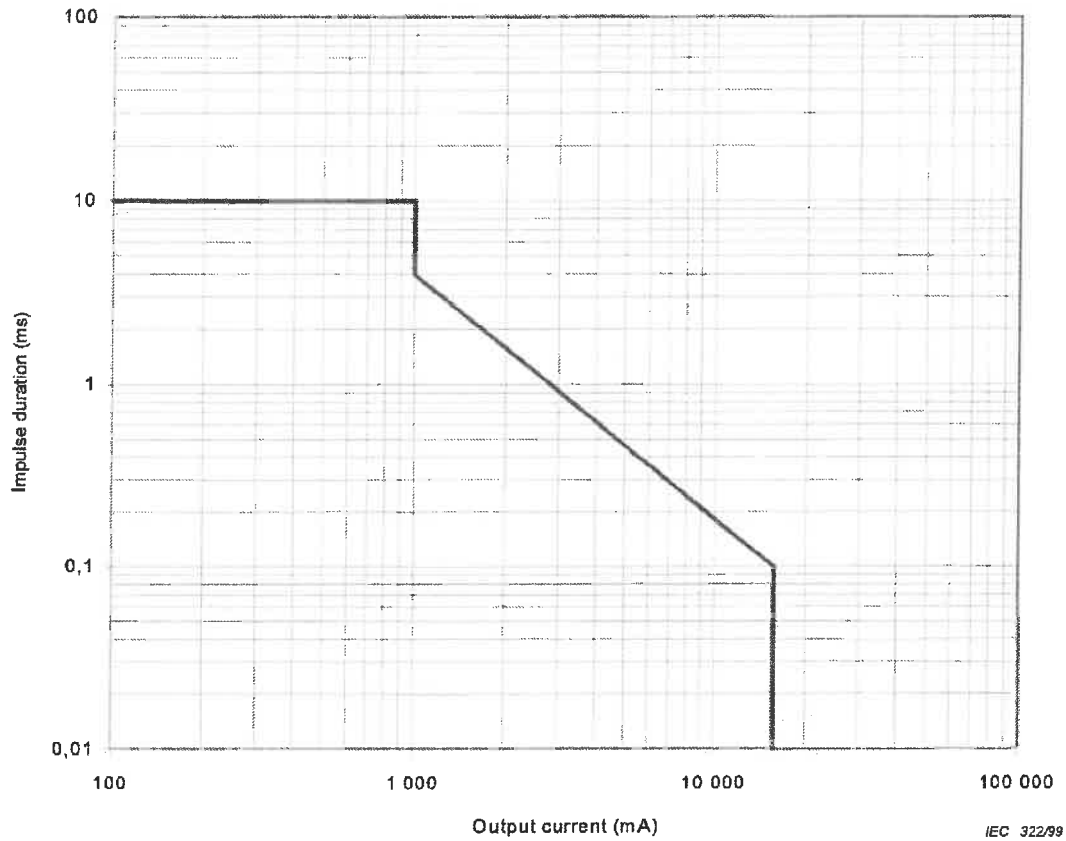
22.109 If the **energizer** is provided with more than one **fence circuit**, the output characteristics shall be within the limits specified in 22.108 for any possible connection of the **fence circuits**.

The impulses for the individual sets of output terminals shall be synchronized and

- the **impulse duration** shall not exceed the value specified in 22.108;
- the impulse repetition rate shall not exceed the value specified in 22.108;

for any possible combination of individual impulses.

Compliance is checked by the measurements specified in 22.108



NOTE The equation of the line relating impulse duration (ms) to output current (mA) for 1 000 mA < output current < 15 700 mA, is given by $\text{Impulse duration} = 41,885 \times 10^3 \times (\text{output current})^{-1,34}$

Figure 102 – Current limited energizer characteristic limit line

ITEM NO. 13
MTG. DATE: November 10, 2020

CITY COUNCIL MEETING
STAFF AGENDA ITEM COMMENTARY

ITEM TITLE: Consider an ordinance amending Utilities Section 22-2-1-217, Chapter 22, Lawton City Code 2015, by removing the requirement to obtain written approval from the Fire Chief prior to making a temporary connection to a fire hydrant; providing for severability and establishing an effective date.

INITIATOR: Fire Chief, Raanon Adams

STAFF INFORMATION SOURCE: Fire Chief, Raanon Adams

BACKGROUND: Citizens and contractors are currently required to acquire the signature of the Fire Chief on a form prior to completing the process for approval of a temporary connection to a fire hydrant. At one time, hydrant meters were typically used in a fashion that made this requirement, and the knowledge gained from this requirement, to be of some benefit to the Fire Department. Meters were often left on the hydrants until projects were completed. These meters were typically used, and left, on one specific hydrant for an extended period of time. When this was the standard practice, there may have been some benefit to the Fire Department in knowing the location of the hydrants with attached meters. However, given the amount of the required deposit (\$2,300.00), the meters today are not usually left overnight or unattended. In many cases, the meters are used on several different hydrants for purposes such as hydro mulching and it is rare that a specific location is listed on the meter request form. In addition, in most instances today the Fire Department utilizes the 5" steamer connection and the meter would, therefore, not pose any interference. In the few instances, where the 2 ½" connections are utilized by the Fire Department; removing the meter should cause no more delay than in removing the hydrant cap.

The current procedure requires those seeking a permit for a temporary connection for a fire hydrant to make an additional and unnecessary stop by Central Fire Station. The current requirement adds an unnecessary level of bureaucracy to individuals seeking a temporary connection to a fire hydrant and provides no real benefit to the Lawton Fire Department or its operations.

EXHIBITS: Ordinance 2020-_____.

KEY ISSUES: Remove the Fire Department from the procedure required to obtain written permit for temporary connections to fire hydrants.

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt Ordinance 2020-_____, waive the reading of the ordinance, and read the title only.

ORDINANCE NO. 20- _____

AN ORDINANCE AMENDING UTILITIES SECTION 22-2-1-217, CHAPTER 22, LAWTON CITY CODE 2015, BY REMOVING THE REQUIREMENT TO OBTAIN WRITTEN APPROVAL FROM THE FIRE CHIEF PRIOR TO MAKING A TEMPORARY CONNECTION TO A FIRE HYDRANT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 22-2-1-217 is hereby amended to read as follows:

22-2-1-217 Temporary connections to fire hydrants---Hydrant flush meters---Deposit---Duties of user.

- A. No person shall open, turn on or use water from any fire hydrant, stop valve or stopcock belonging to the city, or attach any hose, pipe or any apparatus to or connect anything with any such hydrant without first obtaining a written permit issued by the city licensing officer. ~~Before making application for a temporary connection to a fire hydrant, the person desiring such connection must obtain the written approval of the location and duration of the connection from the fire chief.~~ The city licensing officer may issue a permit specifying such conditions as he and the fire chief may deem appropriate. All permits shall expire ninety (90) days from the date of issuance and may be issued for a shorter period of time. The permit shall contain the name of the permit holder, address, purpose of connection to the hydrant, location of connection, duration of permit (if less than ninety (90) days), meter number, meter reading at date of issue, and the name of the natural person directly responsible for the safekeeping of the flush meter.
- B. Upon issuance of a permit by the city, each permit holder will be issued a hydrant meter to measure the amount of water taken through the hydrant connection. All flush meters shall be owned exclusively by the city. No person issued a permit under this section shall take or use water from a hydrant without properly connecting and engaging the city-owned hydrant meter. Along with the hydrant meter, the City will also issue a backflow preventer valve, a hydrant gate valve, and a support stand. The City provided backflow preventer valve, hydrant gate valve, and support stand must be used at all times when the hydrant flush meter is connected to the City's fire hydrants.
- C. The hydrant meter, the backflow preventer valve, the hydrant gate valve, and the support stand issued to the permit holder shall be returned to the city on or before the expiration date of the permit. Upon return to the city, the hydrant meter shall be read and the meter, backflow preventer valve, hydrant gate valve, and support stand shall be inspected to determine if any malfunction or damage has occurred since the last meter reading. The permit holder shall pay for the water used at the rates set out in the fee schedule. However, as one of the conditions of the permit, the city licensing officer may require the permit

holder to periodically present the hydrant meter, backflow preventer valve, hydrant gate valve, and support stand issued to him during the life of his permit to the city for inspection and reading. Billings for the water used shall be rendered at the time the meter is read and shall become due as provided for regular water bills.

- D. In order to guarantee payment of water used, and in order to ensure return of hydrant meters, backflow preventer valves, hydrant gate valves, and support stands and the timely reading of the meters, each permit holder shall be required to make a cash deposit in the amount of the replacement cost of the hydrant meter, the backflow preventer valve, the hydrant gate valve, and the support stand plus fifty percent (50%) of the cost of each of these items. A written receipt shall be issued to evidence the deposit. The deposit will be returned, without interest, to the person making the same, upon the timely return of the hydrant meter, the backflow preventer valve, the hydrant gate valve, and the support stand in good condition, and the payment of all charges for water used.
- E. Upon issuance of the permit, the hydrant meter, the backflow preventer valve, the hydrant gate valve, and the support stand and receipt of the required deposit, the Revenue Services Division will establish a customer account to which will be billed any charges for water consumption, a monthly city equipment rental fee, and any charges assessed for lost or damaged city equipment or damage to fire hydrants as set out in Lawton City Code, Appendix A, Schedule of Fees and Charges. These charges will be billed every ninety days upon permit renewal or upon final return of the city's equipment, if less than a ninety day period, and closure of the customer's account. The monthly rental fee will not be prorated for any partial months.
- F. In the event the permit holder fails to return the hydrant meter, backflow preventer valve, hydrant gate valve, and support stand within ten (10) days after the expiration date of his permit, the security deposit shall be deemed forfeited to the city and shall be applied to pay the cost of replacing the meter, backflow preventer valve, hydrant gate valve, and support stand and to satisfy nonpayment of the city water used. No permit shall be issued and existing permits shall be canceled to any person who has violated any of the provisions of this section, or whose indebtedness to the city for water used or damage or loss to city equipment or city hydrants is delinquent. The non-return of any city equipment shall be reported to the Lawton Police Department.
- G. Every person authorized by permit to open fire hydrants shall replace the caps on the outlets when such are not in use and shall keep hose connections in good repair. The City provided backflow preventer valve, hydrant gate valve, and support stand must be used any time the city's hydrant meter is connected to a city fire hydrant. Failure to perform these duties shall be sufficient cause to prohibit further use of hydrants and sufficient grounds to deny subsequent permits. Violations of these requirements may also result in a penalty as set out in City Code Section 1-1-119.

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective December 10, 2020.


ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 10th day of November, 2020.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 5th day of November, 2020



TIMOTHY WILSON, INTERIM CITY ATTORNEY

MINUTES
LAWTON CITY COUNCIL SPECIAL MEETING
OCTOBER 20, 2020 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Greg Gibson, Assistant City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven (left meeting @ 2:20 p.m.)
Randy Warren, Ward Eight

ABSENT: Keith Jackson, Ward Two

NEW BUSINESS ITEM:

1. Receive a report on dilapidated structures and hold a public hearing and adopt a resolution declaring the structures located at 1510 SW Texas Avenue, 1513 SW Oklahoma Avenue, 1511 SW Oklahoma Avenue, 1509 SW Oklahoma Avenue, 1512 SW Oklahoma Avenue, 732 SE 41st Street, 3311 NW Cache Road, 3313 NW Cache Road, 3317 NW Cache Road, 1502 NW Columbia Avenue, 207 NW Arlington Avenue, 309 SW Lee Boulevard, 904 SW Summit Avenue, 603 NW 13th Street, 1413 NW Euclid Avenue, 816 NW 34th Street, 212 NW 8th Street, 1107 SW J Avenue, 4507 SW G Avenue, 2125 NW Pollard Avenue, 1609 NW Baldwin Avenue, 1309 NW Irwin Avenue, 101 NE English Avenue, 2730 SW I Avenue, 1909 SW F Avenue, 13 SW G Avenue to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolution and exhibits for the property.

Warren stated that he believes that 101 NE English Avenue is actually English Street.

Wilson stated out of caution, he suggested that they strike that address.

Mayor Booker stated it will be placed on the agenda for January 2021.

Mayor Booker stated a citizen has asked that the property at 1413 NW Euclid Avenue be moved up on the agenda.

1413 NW Euclid Avenue

Corey Bowen, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2016. Bowen presented photographs of the property.

PUBLIC HEARING OPENED.

Albert J. Crutchfield, 3416 SW Abilene Drive, stated he will pull the permits and do what is necessary to bring it up to code.

PUBLIC HEARING CLOSED.

MOVED by Hampton SECOND by Burk, to adopt **Resolution 20-113** declaring the structure located at 1413 NW Euclid Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1510 SW Texas Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2012. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Warren, to adopt **Resolution 20-99** declaring the structure located at 1510 SW Texas Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1513 SW Oklahoma Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since early 2020. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Warren, to adopt **Resolution 20-100** declaring the structure located at 1513 SW Oklahoma Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1511 SW Oklahoma Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2011. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Warren, to adopt **Resolution 20-101** declaring the structure located at 1513 SW Oklahoma Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1509 SW Oklahoma Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2017. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Warren, to adopt **Resolution 20-102** declaring the structure located at 1509 SW Oklahoma Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1512 SW Oklahoma Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2017. Bowen presented photographs of the property.

PUBLIC HEARING OPENED.

Bill Forney, 3102 NE Heritage Drive, addressed the council regarding his property.

PUBLIC HEARING CLOSED.

MOVED by Johnson SECOND by Hampton, to adopt **Resolution 20-103** declaring the structure located at 1512 SW Oklahoma Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Johnson left the meeting)

732 SE 41st Street

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2016. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk SECOND by Chapman, to adopt **Resolution 20-104** declaring the structure located at 732 SE 41st Street to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

3311 NW Cache Road

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2015. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Burk, to adopt **Resolution 20-105** declaring the structure located at 3311 NW Cache Road to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

3313 NW Cache Road

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since early 2020. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Burk, to adopt **Resolution 20-106** declaring the structure located at 3313 NW Cache Road to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

3317 NW Cache Road

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2018. Bowen presented photographs of the property.

PUBLIC HEARING OPENED.

Tinh Ho, 3317 NW Cache Road, stated he is trying to tear the property down.

PUBLIC HEARING CLOSED.

MOVED by Hankins SECOND by Burk, to adopt **Resolution 20-107** declaring the structure located at 3317 NW Cache Road to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1502 NW Columbia Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2017. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Warren, to adopt **Resolution 20-108** declaring the structure located at 1502 NW Columbia Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

207 NW Arlington Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2013. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Burk, to adopt **Resolution 20-109** declaring the structure located at 207 NW Arlington Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

309 SW Lee Boulevard

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2017. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Fortenbaugh SECOND by Burk, to adopt **Resolution 20-110** declaring the structure located at 309 SW Lee Boulevard to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED

904 SW Summit Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2012. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren SECOND by Fortenbaugh, to adopt **Resolution 20-111** declaring the structure located at 904 SW Summit Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

603 NW 13th Street

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2018. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Burk, to adopt **Resolution 20-112** declaring the structure located at 603 NW 13th Street to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

816 NW 34th Street

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the utilities were turned on in October 2020. Bowen presented photographs of the property.

PUBLIC HEARING OPENED.

Charlie Barger, 1810 NW Sheridan Road, addressed the council regarding this property.

PUBLIC HEARING OPENED.

MOVED by Hankins SECOND by Burk, to adopt **Resolution 20-113** declaring the structure located at 816 NW 34th Street to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

212 NW 8th Street

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2019. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Warren, to adopt **Resolution 20-115** declaring the structure located at 212 NW 8th Street to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1107 SW J Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2015. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Warren, to adopt **Resolution 20-116** declaring the structure located at 1107 SW J Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

4507 SW G Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2018. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Chapman SECOND by Burk, to adopt **Resolution 20-117** declaring the structure located at 4507 SW G Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

2125 NW Pollard Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2016. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Burk, to adopt **Resolution 20-118** declaring the structure located at 2125 NW Pollard Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1609 NW Baldwin Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2015. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren SECOND by Burk, to adopt **Resolution 20-119** declaring the structure located at 1609 NW Baldwin Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1309 NW Irwin Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2019. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren SECOND by Burk, to adopt **Resolution 20-120** declaring the structure located at 1309 NW Irwin Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

101 NE English Avenue - STRICKEN

2730 SW I Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2012. Bowen presented photographs of the property.

PUBLIC HEARING OPENED.

Herlindo Hernandez, 2315 SW Lincoln, addressed the council regarding his property.

PUBLIC HEARING CLOSED.

MOVED by Hampton SECOND by Fortenbaugh, to adopt **Resolution 20-121** declaring the structure located at 2730 SW I Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1909 SW F Avenue

Bowen reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2006. Bowen presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Burk, to adopt **Resolution 20-122** declaring the structure located at 1909 SW F Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

13 SW G Avenue

Bowen stated the structure has been demolished so no action is needed on this property.

There being no further business to consider, the meeting adjourned at 2:52 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 27, 2020 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Jay Burk, Mayor Pro Tem

Also Present:

Michael Cleghorn, City Manager

Tim Wilson, Interim City Attorney

Traci Hushbeck, City Clerk

Mayor Pro Tem Burk called the meeting to order at 2:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Keith Jackson, Ward Two

Linda Chapman, Ward Three

Jay Burk, Ward Four

Allan Hampton, Ward Five

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

ABSENT:

None

PROCLAMATION FOR 2020 EXTRA MILE DAY

Mayor Pro Tem Burk proclaimed November 1, 2020 to be 2020 Extra Mile Day. He recognized Frank Myers, Jacobi Crawley and Yvonne Landmark for their community leadership.

PROCLAMATION FOR RED RIBBON WEEK

Mayor Pro Tem Burk proclaimed October 23-31, 2020 as Red Ribbon Week. He presented the proclamation to Council Member Onreka Johnson.

PRESENTATION TO THE DEPARTMENT OF PUBLIC UTILITIES BY LAWTON
ENHANCEMENT TRUST AUTHORITY

Mayor Pro Tem Burk, on behalf of Lawton Enhancement Trust Authority, recognized the crews from the Public Utilities Department for their efforts to enhance and beautify the Lawton community.

EMPLOYEE SPOTLIGHT PRESENTATION TO KAYLEE LAMBERT – EMERGENCY COMMUNICATIONS DEPARTMENT

The City Manager recognized Kaylee Lambert for her outstanding performance.

REPORTS: MAYOR/CITY COUNCIL

Johnson thanked everyone who submitted an application for the Race Relations Committee. They have made the initial selections and those who were not selected will be invited to participate in the sub committees.

Mayor Pro Tem Burk presented a video of Senator James Inhofe speaking about the National Defense Authorization Act.

AUDIENCE PARTICIPATION:

Paul Greene, 806 NW 52nd Street, stated he requested, through his council person, to place an item on the agenda and he was told no because the agenda had been published and nothing could be added, which is not 100% correct. The agenda can be amended after it has been published. He brought forth a state law violation regarding a particular city council person and brought it directly to the council in public session. He evidently was supposed to submit a complaint through a complaint process through the City. After he brought forth this violation the Mayor should have directed him to the proper city department and that was never done. He finds it inappropriate and unprofessional to be told he has to follow procedure, but the city council can just make their procedures as they deem necessary. He stated the last two city council meetings he has attended he has requested to speak on three separate agenda items, but he was only called to speak on one. It seems inappropriate and unprofessional to follow procedure, but the city council can just make their procedures as they deem necessary. According to Roberts Rules of Order, a point of order may be raised if the rules appear to have been broken. This may interrupt a speaker during debate. He stood before the council and was told he could not raise a point of order. Roberts Rules of Order is used by this council so he finds it inappropriate and unprofessional to be told he has to follow procedure, but the city council can just make their procedures up as they deem necessary.

Nicholas Sasseen updated the council on the Patriot Pavilion Project in Elmer Thomas Park. He invited the council to the dedication ceremony which will be held on November 7th at 2 p.m.

CONSENT AGENDA

MOVED by Warren SECOND by Chapman to approve the consent agenda. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Daremy Gleaves in the amount of \$5,000.00 (**Res. 20-124**), and Fabian and Wendy Montanez in the amount of \$1,826.00 (**Res. 20-125**). Exhibits: Legal Opinion/Recommendation, Resolution 20-____, Resolution 20-____.
2. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Jacob Cooper. Exhibits: **Resolution 20-126**.
3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Phillip Davis. Exhibits: **Resolution 20-127**.
4. Accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated 9 December, 2013. Exhibits: 2019-2020 ADA Compliance Report and ADA Executive Summary.
5. Consider extending the current contracts with BlueCross BlueShield of Oklahoma (BCBS) for the purpose of providing health care insurance coverage for City of Lawton Retirees over the age of 65 for an additional year, as authorized by the contract. Exhibits: Contracts are on File in the City Clerk's Office.
6. Consider adopting a resolution amending the Downtown I Urban Renewal Plan adding institutional, limited industrial, medical services, and research services as permitted uses within the Commercial Central District. Exhibits: **Resolution No. 20-128** (Downtown I Urban Renewal Plan), Draft LURA Minutes and Draft CPC Minutes.
7. Consider re-approving the record plat for the Replat of Block 18, Less and Except Lots 5 and 6, of Eastlake Addition, Part 3A. Exhibits: Plat Map.
8. Consider accepting a temporary easement from Robert D. Barragan Jr. & Robin D. Barragan, husband & wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
9. Consider accepting a temporary easement from Mikel D. & Hannah R. Lee, husband & wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
10. Consider accepting a temporary easement from Vanessa M. Rivera, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.

11. Consider extending contract (CL20-002) Manhole Coating Product to Corgill Construction, Inc. of Greenwood, AR. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

OLD BUSINESS ITEM:

12. Consider the following damage claim recommended for approval: Robert Fogel and Naomi Donnelly in the reduced amount of \$100.00. Exhibits: Legal Opinion/Recommendation.

Kelea Fisher, Deputy City Attorney, stated this claim was on the council agenda for September 22nd and Mr. Fogel was requesting \$7,900 to repair his bathroom due to a sewer backup in 2019. Mr. Fogel failed to allow staff to take photos in 2019 so staff was unable to substantiate damages to his bathroom. Even though Mr. Fogel requested \$7,900 he stated that he didn't want \$7,900 so Council Member Burk invited Mr. Fogel to look over his estimate and come back with the number he was requesting. She stated Mr. Fogel did amend his estimate to \$3,973.58. After the meeting staff called Mr. Fogel to see if he would allow an independent contractor to come to his house to make a determination of what damages were related to this back up, but Mr. Fogel declined. Her recommendation to approve this claim in the amount of \$100 stays the same. She stated Mr. Fogel has the right to file a lawsuit.

Robert Fogel, 2916 NW Templeton Terrace, stated he did allow someone to come in and take pictures twice. After the last council meeting, he went over the estimate and reduced it to the correct amount. He stated he did deny the request for someone to come out and take pictures because he just wants this done and over with. The reduced amount is to fix what is damaged.

MOVED by Warren SECOND by Hankins to approve the damage claim of Robert Fogel and Naomi Donnelly in the reduced amount of \$100.00. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

13. Hold a public hearing and consider an ordinance creating Sections 18-4-3-450 through 18-4-3-458, Lawton City Code, 2015, by creating the Simple Planned Unit Development over zoning district and creating the regulations for said district. Exhibits: Ordinance No. 20-__.

Richard Rogalski, Deputy City Manager, stated the Planning Division has been approached by the Lawton Housing Authority to amend the City Code to allow smaller lots for affordable housing. They have recently received several lots from the Lawton Urban Renewal Authority located in the Lawton View neighborhood. The Lawton Housing Authority plans to replat the lots in order to build smaller homes on them. Current City Code does not allow for any lots smaller than 6,000 square feet for single-family dwellings. This proposed ordinance will allow an overlay to be put on a development less than 5 acres in size very similar to the existing Planned Unit Development (PUD) regulations by creating the Simple Planned Unit Development (SPUD). The SPUD would be an overlay zoning district that provides an alternative approach to

conventional land use controls and to a traditional PUD to maximize the unique physical features of a site and produce unique, creative, progressive and/or quality land developments. The SPUD would require a narrative and development plan map which would be adopted as part of the ordinance approving the SPUD overlay. General design and development guidelines include amenities, land area, off-street parking, relationship to abutting uses and common access. The public hearing process for approval of a SPUD will follow the same process of a rezoning.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren SECOND by Johnson to adopt **Ordinance 20-18**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-18

An ordinance pertaining to planning and zoning creating Sections 18-4-3-450 through 18-4-3-458, Chapter 18, Lawton City Code, 2015, by creating a simple planned unit development overlay zoning district; the regulations for said district; providing for severability; and establishing an effective date of thirty days after passage.

14. Consider approving an ordinance that shall be known and cited as the “City of Lawton Hotel/Transient Guest Tax Ordinance”, levying and assessing a continuation of the hotel occupancy tax at the increased rate of seven percent (7%) from the existing rate of five and one half percent (5.5%) on the rents received from the occupancy of hotel/motel rooms for an additional ten (10) year period commencing on May 1, 2021 and ending on April 30, 2031, for the purposes of encouraging, promoting and fostering conventions, tourism, industrial development and economic development in the City of Lawton; providing for an effective date; providing for codification; and providing that a copy of this ordinance be published in a newspaper of general circulation within the City of Lawton, Oklahoma. Exhibits: Ordinance No. 20-__.

Cleghorn stated that this ordinance does not pertain to Lawton residents who have a Lawton address. It also does not pertain to military personnel on official orders. It will only affect visitors from out of town.

Krista Ratliff, President of Lawton Fort Sill Chamber of Commerce, stated this tax is a huge benefit to Lawton and it supports multiple areas in the community that bring tourism into the area. She stated Wichita Falls has the same tax at a rate of 9%.

Mayor Pro Tem Burk stated there was a lot of discussion with hotel representatives and they felt this was in line with what should be done. This tax helps so many organizations in our community.

Paul Greene, 806 NW 52nd Street, stated we can promote that we have a lower tax rate than other cities and he appreciates that all this money goes to support the arts. It is a tax burden among

citizens because many have family members who visit and must stay in hotels. It is under their name and when he pays it is a burden to him and he does not get the benefit of being a citizen. He is questioning why they have to raise this tax, they should just tighten the budget and make it work.

Cleghorn stated the hoteliers are in support of this initiative and this tax will expire April 30, 2021 and if this is not approved we will have no hotel/motel tax at that time.

MOVED by Hankins SECOND by Warren to adopt **Ordinance 20-19**, waive the reading of the ordinance, read the title only and establishing an effective date of May 1, 2021. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-19

An ordinance that shall be known and cited as the “City of Lawton Hotel/Transient Guest Tax Ordinance” levying and assessing a tax of seven percent (7%) for a period of ten (10) years on rents received from the occupancy of hotel rooms; providing for a time limit on said tax and extension by vote; providing exemptions from the tax; placing responsibility of collecting the tax upon the operator; requiring records to be kept and for the filing of returns; providing for the payment of tax; providing circumstances when taxes are delinquent and for interest on delinquent taxes; providing for assessment and determination of the tax; providing for refunds and remedies; providing for general powers of the finance director; providing the purposes for use of the funds; authorizing the city council to make administrative and technical changes and additions except to the tax rate and term of the tax; making the tax cumulative; defining terms; providing penalties for fraudulent returns; making records confidential; providing other provisions relating to assessment, collection and enforcement of the tax; requiring approval of the ordinance by a majority of registered voters voting at an election held for such purpose as provided by law; providing for an effective date of May 1, 2021; providing for codification; and providing that a copy of this ordinance be published in a newspaper of general circulation within the city of Lawton, Oklahoma.

15. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, to be held on the 9th day of February, 2021, regarding the approval or rejection of Ordinance No. 20-19, which shall be known and cited as the “City of Lawton Hotel/Transient Guest Tax Ordinance”, levying and assessing a continuation of a hotel occupancy tax at the increased rate of seven percent (7%) from the existing rate of five and one half percent (5.5%) on the rents received from the occupancy of hotel/motel rooms within the City of Lawton for an additional ten (10) year period commencing on May 1, 2021 and ending on April 30, 2031, for the purposes of encouraging, promoting and fostering conventions, tourism, industrial development and economic development in the City of Lawton; directing that a copy of said resolution be forwarded to the secretary of the Comanche County Election Board as required by state law; directing that said resolution be published in full in a newspaper of general circulation within the City of Lawton, Oklahoma; and authorizing the Mayor to issue an election proclamation. Exhibits: Resolution No. 20-____ and Election Proclamation.

MOVED by Warren SECOND by Fortenbaugh to approve **Resolution No. 20-129**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider approving a Memorandum of Understanding with the Friends of the Lawton Public Library, Inc. regarding the application of a mural on the west side of the Lawton Public Library storage building located at 110 SW 4th Street. Exhibits: Memorandum of Understanding and Mockup of proposed mural.

Mayor Pro Tem Burk stated this building was built by the McMahon Foundation years ago and there has been some conversation with Lawton Enhancement Trust Authority and they feel that it would be best to go back to the McMahon Foundation board and ask them for their preference and how they would like to move forward. He stated they also need to have some clarification from legal staff about copyrights.

Patty Neuwirth, Friends of the Library, stated she has shown the proposed mural to some of the McMahon board members and have received positive responses. She stated they would be happy to make a presentation to the board. She stated it was suggested they build a wall for the mural, but that would double the budget and reduce the life of the mural. They want to enhance that area because that will be an entertainment area for the future.

Mayor Pro Tem Burk suggested they table this item to the second meeting in November.

MOVED by Warren SECOND by Hankins to table to November 24, 2020 meeting. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

17. Consider Change Order #19 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #19 - Public Safety Facility.

Joe Painter, Engineering Director, stated these items are corrections on mistakes that were found. He briefed the council on the items on Change Order #19.

Mayor Pro Tem Burk stated they all know there is an issue with the architect, not with Flintco. Council has made it clear that when this is all over with they will look at all these charges. He stated he wants a public statement on the issue of days.

Painter stated he has told Flintco that we will not be giving them any more days for weather or any more delays. They have to be completed by the end of December.

Warren stated if we pass this we will be done with days.

MOVED by Warren SECOND by Jackson to approve Change Order #19. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider authorizing the City Manager to use up to \$50,000 of Industrial Development Sales Tax funding as necessary to accomplish the tasks related to the Due Diligence Period associated with purchase of the Central Mall. Exhibits: None.

Mayor Pro Tem Burk stated the FISTA authority, at this point has \$10 and they need to do some things related to the due diligence and they have a very short amount of time to get those things done.

MOVED by Warren SECOND by Jackson to authorize the City Manager to use up to \$50,000 of Industrial Development Sales Tax funding as necessary to accomplish the tasks related to the Due Diligence Period associated with purchase of the Central Mall. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2. Consider approving an advance of \$240,000 to the Fires Innovation Science and Technology Accelerator Development Trust Authority to provide funding included in the Agreement for Funding and Limited Support approved by the City Council on October 16, 2020. Exhibits: FISTA Development Trust Authority 2020/2021 Approved Budget.

Mayor Pro Tem Burk stated this is a portion of the budget that they need to get some things started inside the Sears building.

Warren stated this is money that will be required whether we purchase the mall or lease the Sears building.

MOVED by Chapman SECOND by Warren to approve an advance of \$240,000 to the Fires Innovation Science and Technology Accelerator Development Trust Authority to provide funding included in the Agreement for Funding and Limited Support approved by the City Council on October 16, 2020. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending September 30, 2020. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 3:03 p.m. and reconvened in regular, open session at 3:55 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

18. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Jonathan Crouse, Kelly Crouse, K.D.C. M.G.C. P.A.C., v. City of Lawton, CJ-2017-695, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #18. No action was taken.

19. Pursuant to Section 307 B1 and B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation under Council Policy 3-3 and the possible discipline of Councilperson Fortenbaugh in relation thereto, and, if necessary, take action in open session. Exhibits: None.

Wilson read the title of item #19.

MOVED by Warren SECOND by Jackson to find that there has been no violation of council policy 3-3 due to the investigators finding 1) no evidence that Councilman Fortenbaugh used specific language towards a member of city staff while in a meeting with three members of city staff which would prove beyond a doubt that council person Fortenbaugh's behavior was driven by the complainants color, religious beliefs, sex, age, race, national origin, disability, sexual orientation or other prohibitive criteria and 2) that there was no physical evidence to support a finding otherwise. As a result of the investigators findings, I further move that this matter be formally closed and that all council members be cautioned that when interacting with city staff, we do so in a professional manner being mindful not to raise our voice or otherwise act in a manner that could be perceived as unprofessional. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 3:59 p.m. upon motion, Second and roll call vote.

JAY BURK, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK